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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/344,010	06/25/1999	STEVEN JEROME MOORE	122995-43-34	8566
75	90 05/07/2004		EXAMINER	
STEVEN J MOORE 58 BUTTERFIELD ROAD			KIM, AHSHIK	
NEWTOWN, C	-		ART UNIT PAPER NUMBER	
,			2876	
			DATE MAILED: 05/07/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

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		Application No.	Applicant(s)	Applicant(s)			
		09/344,010	MOORE, STEVEN JEROME				
Offi	ce Action Summary	Examiner	Art Unit				
		Ahshik Kim	2876	And The State of t			
The Ma	AILING DATE of this communication a	ppears on the cover sheet with th	e c rrespondence ad	dress			
THE MAILING - Extensions of time after SIX (6) MO - If the period for received the received th	ED STATUTORY PERIOD FOR REF B DATE OF THIS COMMUNICATION he may be available under the provisions of 37 CFR NTHS from the mailing date of this communication. eply specified above is less than thirty (30) days, a reply is specified above, the maximum statutory perior within the set or extended period for reply will, by stated by the Office later than three months after the marm adjustment. See 37 CFR 1.704(b).	N. 1.136(a). In no event, however, may a reply b eply within the statutory minimum of thirty (30) od will apply and will expire SIX (6) MONTHS f tute, cause the application to become ABANDO	e timely filed days will be considered timely from the mailing date of this condition (35 U.S.C. § 133).	<i>).</i> mmunication.			
Status							
1)⊠ Respon	sive to communication(s) filed on 2/2	13/04 (Appeal Brief).					
,	``	nis action is non-final.					
3)⊠ Since th	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of C	aims						
4a) Of th 5)) <u>8-21 and 26-31</u> is/are pending in the above claim(s) is/are withded) is/are allowed.) <u>8-17,19-21 and 26-31</u> is/are rejected to.) <u>18</u> is/are objected to.) are subject to restriction and	rawn from consideration.					
Application Pape	ers						
9)☐ The spe	cification is objected to by the Exami	ner.					
10)☐ The draw	D) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applican	t may not request that any objection to the	ne drawing(s) be held in abeyance.	See 37 CFR 1.85(a).				
	ment drawing sheet(s) including the corre or declaration is objected to by the		_				
Priority under 35	U.S.C. § 119						
a)	edgment is made of a claim for foreign Some * c) None of: ertified copies of the priority docume ertified copies of the priority docume opies of the certified copies of the proplication from the International Bure ttached detailed Office action for a li	ents have been received. Ents have been received in Applic Fiority documents have been rece Feau (PCT Rule 17.2(a)).	cation No eived in this National (Stage			
Attachment(s)	Civ. I (DTO 200)	" □	(DTO 446)				
2) 🔲 Notice of Drafts	ences Cited (PTO-892) person's Patent Drawing Review (PTO-948) closure Statement(s) (PTO-1449 or PTO/SB/0 il Date	4) Interview Summ Paper No(s)/Mai 5) Notice of Inform 6) Other:		-152)			

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Appeal Brief

1. Receipt is acknowledged of the Appeal Brief filed on February 13, 2004.

Finality Withdrawn

2. In careful review of the Appellant's appeal brief, especially the summary of invention and subsequent argument section and prosecution history, the finality of the office action (mailed on May 13, 2003) is withdrawn.

Claim Objections

3. Claim 18 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Re claim 18, there is no "product" defined in claim 15. Even if the Applicant rephrases the claim "The product of the process of claim 15", the product(s) are already described in claim 15 in claiming the process, and claim 18 would fail to further limit the subject matter of a previous claim.

Appropriate correction is required.

Allowable Subject Matter

4. Claims 8-17, 19-21, and 26-31 are allowed.

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The following is a statement of reasons for the indication of allowable subject matter: the claims are directed at a computer-assisted method for recoding an identity of the purchaser when the purchaser buys an item at retail establishment. As shown in previously cited references, recording sales transaction in a retail setting is generally known in the art. However, the cited references, taken alone or in combination, fails to teach or suggest a particular method wherein the unique identity of the item (not the kind of an item) is associated with the purchaser and recorded in the database as set forth in the claims. The records in the database can also be shared among the retailers.

Prosecution on the merits is closed in accordance with the practice under Ex parte
 Quayle, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Conclusion

- I. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Rose (US 6,076,064) discloses a system and the method for associating a purchaser and the products. Applicant is respectfully suggested to carefully review these references.
 - II. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Ahshik Kim* whose telephone number is (571)272-2393. The examiner can normally be reached between the hours of 6:00AM to 3:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (571)272-2398. The fax number directly to the Examiner is (571)273-2393. The fax phone number for this Group is (703)872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [ahshik.kim@uspto.gov].

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All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

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Ahshik Kim
Patent Examiner
Art Unit 2876

15 April 30, 2004

MICHAEL G. LEE

WPERVISORY PATENT EXAMINER

TECHNOLOGY CENTER 2800